

Appl. No. 09/647,833
Atty. Docket No. AA307F
Amdt. dated July 15, 2004
Reply to Office Action of April 19, 2004
Customer No. 27752

REMARKS

Claims 1 and 3-12 are pending in the present application. An additional claim fee is believed to be due because claim 6, which was originally a dependent claim, is now an independent claim. Any fees associated with the additional independent claim may be charged to Deposit Account Number 16-2480.

Claims 1 and 11 have been amended to more specifically characterize the location of the reinforcement nonwoven. Support for these amendments can be found in the specification as exemplified by page 11, lines 20-26 and in Figures 3-4. In addition, claim 1 was also amended to correct a transcriptional error. Support for this amendment can be found in claim 1 as originally filed.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Allowable Subject Matter

The Office Action has allowed claim 12. In addition, the Office Action provides that claims 6-10, if rewritten in independent form, would also be allowable. Applicants have amended claim 6 in accordance with the suggestions of the Office Action. Because claims 7-10 depend from claim 6, Applicants assert that claims 6-10 and 12 are in condition for allowance.

Rejection Under 35 USC 102 Over Saisaka et. al

The Office Action provides that claims 1, 3-5, and 11 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Pat. No. 5,624,424, issued to Saisaka et. al. The Office Action states:

Regarding claim 1, Saisaka discloses an absorbent article having a longitudinal center line and a lateral center line, comprising:... (d) a reinforcement nonwoven 37/41/42/44 joined to an inner-facing surface of the backsheet (the nonwoven panel is indirectly joined to the inner-facing surface of the backsheet by its position with the topsheet; Figure 15 and col. 13, lines 27-29) and to at least one of either the garment facing surface of the rear ear panels or the garment facing surface of the front ear panels so as to form a portion of the garment facing surface of the absorbent article, the reinforcement nonwoven not substantially overlapping the containment assembly, wherein the reinforcement nonwoven does not extend the entire longitudinal length of the absorbent article.

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(Office Action pages 2-3).

Applicants respectfully traverse the rejection by the Office Action. In order for a reference to anticipate a claimed invention, the cited reference must set forth each and every element of the claimed invention either expressly or inherently. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the cited reference does not set forth each and every element of the claimed invention either expressly or inherently, the cited reference does not anticipate the claimed invention.

The current invention is aimed at making the user feel comfortable in wearing the diaper. The use of liquid impervious backsheets, while preventing liquid "from passing through the diaper," may also make the diaper feel hot and uncomfortable particularly in the rear waist and side ear regions. (pg. 1, lines 28-32). "Some disposable diapers are provided with a nonwoven material laminated or otherwise adhered to the backsheet film to provide the appearance of cloth and cloth-like feel." (pg. 1, lines 33-35). However, these garments may be bulky because of the use of excess material. Moreover, the cost of the garment increases with the increased use of raw materials which occurs with the incorporation of the nonwoven over the backsheet film. (See pg. 2, lines 2-5). The present invention seeks to alleviate these issues.

Amended claims 1 and 11 recite, *inter alia*, that a reinforcement nonwoven is "disposed between the backsheet and a barrier leg cuff." Note that in order to decrease the bulkiness in the crotch region, the reinforcement nonwoven preferably does not extend the entire lateral length of the absorbent article. (See Figs. 2A, 3, and 4). However, the topsheet can extend substantially beyond the longitudinal edges of the crotch region such that a portion of the topsheet also acts as a reinforcement nonwoven. (See Fig. 2B). In doing so, the present invention is able to reinforce the front or rear ear panels while cutting down on the bulkiness of the absorbent article in the crotch region.

In contrast, the alleged reinforcement nonwoven of the Saisaka et. al reference is bonded to the outer surface of the backsheet and the wearer facing surface of the topsheet. (See Figs. 15 and 17). Thus, the alleged reinforcement nonwoven of the Saisaka et. al reference is joined to the garment facing surface of the article as well as the wearer facing surface of the article. So, the alleged reinforcement nonwoven cannot be "disposed between the backsheet and a barrier leg cuff" as recited, *inter alia*, by amended claims 1 and 11. Moreover, the use of the alleged reinforcement nonwoven of the Saisaka et. al reference adds an extra piece of material which would otherwise not be present, near the crotch region thereby increasing the bulkiness and the

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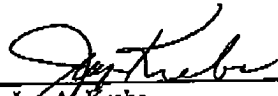
cost of the diaper. Thus, the Saisaka et. al reference does not teach or suggest all of the claimed elements of amended claims 1 and 11 or claims 3-5 which depend therefrom. Therefore, Applicants assert that claims 1, 3-5, and 11 are allowable as presented above.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 102(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 and 3-12.

Respectfully submitted,
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